

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

JOANNA BROOKS,

Plaintiff,

Case No. 20-cv-35-pp

v.

SHERMAN PHOENIX LLC, *et al.*,

Defendants.

**ORDER REMINDING PLAINTIFF OF OPTION TO FILE AMENDED
COMPLAINT IN LIEU OF RESPONDING TO DEFENDANT'S MOTION TO
DISMISS (DKT. NO. 6)**

On March 4, 2020, the defendants filed a motion to dismiss the complaint for lack of jurisdiction and failure to state a claim under Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6). Dkt. No. 6. The defendants argue that the plaintiff has not met her burden of pleading facts sufficient for this court to find jurisdiction of her FLSA claim and that, even if her claim did meet the requirements of the FLSA, she has not identified essential components required to state a claim. *Id.* at 6-8.

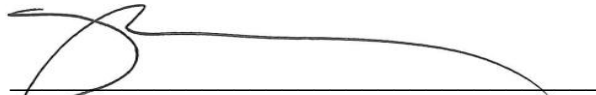
Under Civil Local Rule 7(b), if the plaintiff wishes to oppose the motion she must do so within twenty-one days—that is by March 25, 2020. The plaintiff is free to timely file a response to the motion to dismiss, but the court reminds the plaintiff that she has another option—she may file an amended complaint to try to cure the alleged deficiencies. See Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. and Nw. Ind., 786 F.3d 510, 522 (7th Cir. 2015)

(explaining that a responsive amendment may avoid the need to decide the motion or reduce the number of issues decided). Fed. R. Civ. P. 15(a)(1) allows the plaintiff to file the amended complaint as a matter of course within twenty-one days after service of the responsive pleading.

The court **ORDERS** that by March 25, 2020 the plaintiff shall file either an amended complaint or her response to the motion to dismiss.

Dated in Milwaukee, Wisconsin this 6th day of March, 2020.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge